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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,881	12/29/2003	Frank Michael Weyer	EMD-1199C	2783

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,881

Applicant(s)

WEYER ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-33 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This communication is in response to the Request for Continued Examination (RCE) amendment received on October 24, 2006.

Claims 1-11 have been cancelled

Claims 12-22 have been withdrawn from examination

Newly added claims 23-33 are pending further examination.

The New Grounds of Rejection

Applicant's amendment and arguments received on August 25, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nicholls et al.**, (Nicholls) U.S. Patent No. **6,363,414**. and in view of **Janacek et al.**, (Janacek) U.S. Patent No. **6,684,248**.

4. As to claim 23, Nicholls teaches a method for communicating an online message to a recipient comprising the steps of:

receiving an online communication at an online address corresponding to said recipient (col. 5, line 52 – col. 6, line 16, the user receives an e-mail at his/her e-mail address);

determining an off-line delivery destination corresponding to said online address (col. 8, lines 11-26, if priority has been set for fax, page or telephony then e-mail is forward based on stored delivery destination);

converting said online communication to an appropriate format for off-line delivery (col. 3, lines 37-65, e-mail is converted to fax, pager or telephony format);

delivering said converted online communication to said off-line delivery destination (see Fig. 2a, col. 4, lines 26-40).

Nicholls does not explicitly indicate creating an online address for an off-line recipient without the knowledge of said recipient.

Janacek teaches wherein new accounts are created dynamically by the system of the invention in response to a message addressed to an unknown user by sender who is a party to the network. In the operation of the method of the invention, messages from a network-party sender addressed to such an unknown user are deposited into a unique account created for the addressed recipient. That addressed recipient is notified via a non-network communication path that a message is stored and available to it, and is provided instructions for accessing a network address to retrieve its message (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Janacek into the invention of Nicholls in order to automate the account creation process to lessen the burden on the user and to offer the user a more standardized set of user accounts.

5. As to claim 24, Nicholls teaches the method of claim 23 wherein said step of determining an off-line delivery destination comprises the step of retrieving said off-line delivery destination from a database (col. 3, lines 45-50, col. 3, lines 60-65 and col. 4, lines 5-11).

6. As to claim 25, Nicholls teaches the method of claim 23 wherein said off-line delivery destination comprises a facsimile machine (col. 3, lines 45-50).

7. As to claim 26, Nicholls teaches the method of claim 23 wherein said off-line delivery destination comprises a telephone system (col. 4, lines 5-11).

8. As to claim 27, Nicholls teaches the method of claim 25 wherein said step of converting said online communication comprises converting said online communication into a facsimile format (col. 3, lines 37-50).

9. As to claim 28, Nicholls teaches the method of claim 26 wherein said step of converting said online communication comprises converting said online communication into an audio format (col. 3, line 65 – col. 4, line 11).

10. As to claim 29, Nicholls teaches the method of claim 23 wherein said online communication comprises an electronic mail message (see abstract).

11. As to claim 30, Nicholls teaches the method of claim 23 wherein said online address comprises an electronic mail address (see abstract).

12. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nicholls et al.**, (Nicholls) U.S. Patent No. **6,363,414** in view of **Janacek et al.**, (Janacek) U.S. Patent No. **6,684,248** and further in view of **Kholer** U.S. Patent No. **6,192,396**.

13. Nicholls and Janacek teaches the claimed invention as described above. Nicholls and Janacek do not explicitly teach grouping of recipients and associating the recipients with a professional group.

Kholer teaches the present invention relates to an authoring system for computerized messages such as electronic mail, and specifically to an authoring system for computerized messages that can create messages containing recipient-specific content among a group of recipients such that all recipients do not receive the identical version of the message. Kholer teaches being able to send a message to the whole group and also recipient-specific messages intended to be seen only by a specific recipient.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kohler into the invention on Nicholls in order to increase efficiency and reduce the transmission time. Senders are able to transmit a message to a group of recipient, without having to continuously add each recipients name to the TO field.

14. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

Art Unit: 2155

applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.


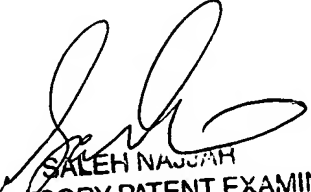
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 9, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER